

### **REMARKS**

In this Amendment, Applicant has amended Claims 1 – 5, 8, 11, 22, 24, 39, 40, 41 and added Claim 52 to specify different embodiments of the present invention and overcome the rejection. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

### **CLAIM OBJECTIONS:**

Claims 1 and 41 have been objected because of informality.

It is respectfully submitted that Claim 1 has been amended to delete “cross-reactive” and Claim 41 has been amended to add “in” as well as clearly point out and define the embodiment of the present invention.

Therefore, the objection has been overcome. Accordingly, withdrawal of the objections is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:**

Claims 1 – 51 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the currently presented amendments clearly point out and define the embodiment of the present invention. More specifically, Claims 1 – 5, 8, 11, 22, 24, 39, 40, 41 have been amended to correct the rejected terms. For example, the phrases “and has at least substantially the same function as” and “which comprises a functionally equivalent variant which is immunologically cross-reactive with and has at

least substantially the same as function as the original polypeptide of SEQ ID NO: 1” have been deleted. It is respectfully submitted that the amended definition is clear to a person of ordinary skill in the relevant art.

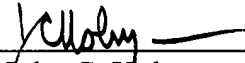
Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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